

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

THURSDAY, THE 20TH SEPTEMBER 2007 / 29TH BHADRA 1929

WP(C).No. 25063 of 2007(H)

PETITIONER:

**KADALAYI HUSSAIN, S/O.KADALAYI AHAMED,
KADALAYI HOUSE, VALAVANNUR POST, VIA
KALPAKANCHERRY, MALAPPURAM DISTRICT. REPRESENTED
BY THE POWER OF ATTORNEY HOLDER, K.HARIS,
S/O.HYDROSSKUTTY, P.O.POOKAYIL, TIRUR AMSOM DESOM,
MALAPPURAM DISTRICT.**

BY ADV. SRIC.M.MOHAMMED IQUABAL

RESPONDENTS:

**1. THE JOINT COMMISSIONER OF INCOME TAX,
PALAKKAD RANGE, PALAKKAD DISTRICT.**

**2. V.NARAYANAN, INCOME TAX OFFICER,
WARD I, PALAKKAD.**

**BY ADV. SRI.P.K.R.MENON,SR.COUNSEL,GOI(TAXES)
SRI.GEORGE K. GEORGE, SC FOR IT**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 20/09/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

ANTONY DOMINIC, J.
=====

W.P.(C) NO. 25063 OF 2007
=====

Dated this the 20th day of September, 2007

J U D G M E N T

The petitioner claims that he had let out the building to a partnership firm. Subsequently partners of the firm had produced a deed before the Income Tax Authorities, which indicated that the petitioner is also a partner. Thereupon notice was issued to the petitioner. At that stage, contending that the signature in the partnership deed was forged, petitioner filed Ext.P2 representation before the 1st respondent to take action against those who have produced the alleged fabricated document. Praying to direct the authorities to take action on Ext.P2, this writ petition was filed

2. Today the learned standing counsel appearing for the respondents submit on instructions that the Income Tax Department has decided to ignore the partnership deed and not to proceed against the petitioner on that basis. In view of this, petitioner cannot insist that Income Tax Department should take

WPC 25063/07

: 2 :

action against those who have produced that deed, based on his complaint.

If the petitioner is so advised, he will be at liberty to proceed against those who have allegedly fabricated the document. With that liberty, this writ petition is closed.

ANTONY DOMINIC, JUDGE.

Rp